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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,988	12/28/2005	Yutaka Arayashiki	05915/LH	3542
1933 7590 03/24/2008 FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708				
EXAMINER				
CHEN, SHELLEY				
ART UNIT		PAPER NUMBER		
3661				
MAIL DATE		DELIVERY MODE		
03/24/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/562,988

**Applicant(s)**

ARAYASHIKI ET AL.

**Examiner**

SHELLEY CHEN

**Art Unit**

3661

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 9 and 11-17 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 14-17 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9 and 13 is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) 11-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 01 February 2008 have been fully considered but are not persuasive. The arguments regarding the newly amended claims are addressed in the rejections below.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. **Claim 1 rejected** under 35 U.S.C. 103(a) as being unpatentable over **the applicant's admitted prior art** (Background Art, figures 11-12B) in view of **Devendorf et al.** (U.S. Patent # 5,311,190).

**Regarding claims 1**, the applicant's admitted prior art (AAPA) discloses a radar oscillator comprising all limitations of the instant claims (Background Art section, figures 11-13), except for the claimed first switch which opens or closes the power supply line for the amplifier means in the oscillating unit based on the pulse signal indicating the transmission timing of the radar wave. AAPA discloses all other limitations, including the claimed amplifier means with positive feedback, the claimed resonator, and the claimed pulse signal (Background Art section, figures 11-12B).

In the same field of endeavor, Devendorf discloses a radar oscillator in which the first switch opens or closes the power supply line for the amplifier means in the oscillating unit based on the pulse signal indicating the transmission timing of the radar wave, thereby changing the operating state of the oscillating unit to the oscillating state or the oscillation stop state. (figure: switch 42 and amplifier 11, col 2: 43-63).

It would have been obvious to modify AAPA to use the first switch as claimed, as taught by Devendorf and commonly known in the art, in order optimize power efficiency and reduce leakage between transmit and receiver (col 2: 43-63), with predictable results.

4. **Claim 2 rejected** under 35 U.S.C. 103(a) as being unpatentable over **the applicant's admitted prior art** (Background Art, figures 11-12B) in view of **Devendorf et al.** (U.S. Patent # 5,311,190), and further in view of **Abe et al.** (U.S. Patent # 5,334,969).

**Regarding claim 2**, AAPA as modified by Devendorf fails to disclose the claimed second switch.

In the same field of endeavor, Abe discloses a radar oscillator in which the second switch opens or closes between the input section of the amplifier means and the high frequency earth line based on the pulse signal indicating the transmission timing of the radar wave, thereby changing the operating state of the oscillating unit to the oscillating state or the oscillation stop state. (figure 2: switch 12a, col 7: 9-19)

It would have been obvious to modify AAPA to use the second switch as claimed, as taught by Abe and commonly known in the art, in order to optimize power efficiency and reduce leakage between the circuit elements, with predictable results.

***Allowable Subject Matter***

5. **Claims 11-12 objected** to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. **Claims 9 and 13 allowed**

**Claims 9 and 13** are allowable subject matter because none of the prior art discloses the combination of recited claim elements, including the claimed first, second,

and third switches all operating based on the same pulse signal indicating the transmission timing of the radar wave.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Chen whose telephone number is (571) 270-1330. The examiner can normally be reached Mondays through Fridays, between 10:00 AM and 6:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached at (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Shelley Chen/

Patent Examiner

Art Unit 3661

March 15, 2008

/Thomas G. Black/

Supervisory Patent Examiner, Art Unit 3661